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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,447	03/10/2004	David J. Rizzo	ILS / 77	4421
26875	7590	07/26/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP			VU, HIEN D	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			2833	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,447	RIZZO ET AL.	
	Examiner	Art Unit	
	Hien D. Vu	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-8, 11 and 19 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 11 and 19 are rejected under 35 USC 103(a) as being unpatentable over Ashcraft (913) in view of Smith et al (443).

Ashcraft, figs. 3-4 show a connector for removably mounting to a stud of an electrical transformer comprising a body member 71 having a plurality of dividing walls (not labeled) defining a plurality of channels (73-76) each capable of receiving a conductor (116-119), a plurality of binding screw 81-84 capable of being tightened the conductors in the channels and a first bore 87 adapted to releasably coupled with the stud of the electrical transformer. Ashcraft does not show the connector having a plurality of cap members. Smith (443), figs. 2 & 5 show a connector having cap members 14 for removably engaged with channels (not labeled). It would have been obvious to one with skill in the art to modify the connector of Ashcraft by replacing the insulating cover of the connector with cap members for removably engaged with channels, as taught by Smith, in order to allow easier assembly.

As to claim 2, the body member having a first end and a second section with the dividing walls.

As to claim 3, each of the cap members having side edges and pair of side flanges 60, 62 to be received in confronting channels 46, 48 as shown in flanges 60, 62 to be received in confronting channels 46, 48 as shown in fig. 1 of Smith.

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As to claim 4, each of confronting channel having a downwardly facing cam surface angled with a downward inclination angle as shown in fig. 1 of Smith.

As to claim 5, the binding screw is tightened so as to restrict movement of the cap members relative to the receiving channels.

As to claims 6-8, the transformed stud 121 is threaded in the first bore 87.

As shown in fig. 3 of Ashcraft, the transformed stud is frictional fit and a binding screw 89 capable of being tightened to inhibit withdrawal of the stud from the bore 87.

As to claims 11, 19, the first bore extends in a first direction substantially perpendicular to the second direction of the conductor channels as shown in fig. 3 of Ashcraft.

3. Applicant's arguments filed 4/19/05 have been fully considered but they are not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific

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disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case, Ashcraft and Smith both disclose a screw connector. Ashcraft does not show the connector having a plurality of cap members. Smith (443), figs. 2 & 5 show a connector having cap members 14 for removable engagement with channels (not labeled). In view of the analogous nature of the reference teachings, it would have been obvious to one with skill in the art to modify the connector of Ashcraft by replacing the insulating cover of the connector with cap members for removable engagement with channels, as taught by Smith, in order to allow easier assembly.

In response to Applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In re McLaughlin, 443 F.2d 1392; 170 USPQ 209 (CCPA 1971).

Applicant argues that Ashcraft and Smith references combining the teachings in the way suggested by the office action results in a device that would not work for its intended purposes. The Examiner disagrees. Ashcraft teaches the screws securing to the body by an insulating cover, Smith teaches the screws securing to the body

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via cap members. The cap members of Smith would replace the insulating cover and therefore such combining would work for its intended purposes.

The other remarks are considered to be fully addressed in the rejections above.

The proposed drawing corrections submitted on 4/19/05 are approved by the Examiner.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication should be directed to Hein D. Vu at telephone number (571) 272-2016.

Vu/ds

06/28/05



HIEN VU
PRIMARY EXAMINER